

JAM/ep

04-002

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LYNDA BARNABY and DAVID LEIBOWITZ,

Docket No.: 1: 08-cv-05137 MGC

Plaintiffs,

ANSWER TO CROSS-CLAIMS

-against-

BALLY'S LAS VEGAS CASINO/HOTEL and
OTIS ELEVATOR COMPANY,

Defendants.
-----X

The defendant, OTIS ELEVATOR COMPANY, by its attorneys, GERINGER & DOLAN, LLP and for its reply to the cross-claims of the co-defendant, PARBALL CORPORATION s/h/a BALLY'S LAS VEGAS CASINO/HOTEL, alleges:

AS TO THE CROSS-CLAIM FOR CONTRIBUTION

1. Denies each and every allegation contained in the subdivision thereof numbered 33.

AS TO THE CROSS-CLAIM FOR INDEMNITY

2. Denies each and every allegation contained in the subdivision thereof numbered 34.

AS TO THE THIRD CROSS-CLAIM (KINNEY CLAIM)


3. Denies each and every allegation contained in the subdivision thereof numbered 35, except admits a contract leaving all questions of interpretation thereof and ultimate questions of law and fact to the trial of this action.

WHEREFORE, the defendant, OTIS ELEVATOR COMPANY, demands judgment dismissing said cross-claims, together with the costs, disbursements and legal investigation fees incurred in the defense thereof.

Dated: New York, New York
June 10, 2008

Yours, etc.,

GERINGER & DOLAN, LLP

By: 
JOHN A. McCARTHY

Attorneys for Defendant
OTIS ELEVATOR COMPANY
5 Hanover Square, 3rd Floor
New York, New York 10004
(212) 682-7050

TO: Justin M. Blitz, Esq.
SHANDEL, BLITZ, BLITZ &
ASHLEY, LLP
Attorneys for Plaintiffs
150 Broadway, 14th Floor
New York, New York 10038
(212) 513-1300

Christopher C. Mauro, Esq.
CAMACHO MAURO MULHOLLAND, LLP
Attorneys for Defendant
PARBALL CORPORATION d/b/a
BALLYS LAS VEGAS
350 Fifth Avenue, Suite 5101
New York, New York 10118
Your File No.: HARY-1984-E
(212) 947-4999

CERTIFICATE OF SERVICE

I, John A. McCarthy, hereby certify that on the 10th day of June, 2008 the foregoing Answer to Cross Claims and Certificate of Service has been electronically filed and is available for viewing and downloading from the Electronic Case Filing system of the United States District Court for the Southern District of New York.

Additionally, a copy of the foregoing being served by first class mail with postage pre-paid thereon upon the opposing attorneys:

TO: Justin M. Blitz, Esq.
SHANDEL, BLITZ, BLITZ &
ASHLEY, LLP
Attorneys for Plaintiffs
150 Broadway, 14th Floor
New York, New York 10038

Christopher C. Mauro, Esq.
CAMACHO MAURO MULHOLLAND, LLP
Attorneys for Defendant
PARBALL CORPORATION d/b/a
BALLYS LAS VEGAS
350 Fifth Avenue, Suite 5101
New York, New York 10118



JOHN A. MCCARTHY (JAM 2972)

GERINGER & DOLAN LLP

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a
entered in the office of
the clerk of the within named Court on

☐ that an Order of which the within is a true copy
will be presented for settlement to the
Honorable one of
the judges of the within named Court, at
on
, at

Dated: _____

GERINGER & DOLAN LLP

Attorneys for

5 HANOVER SQUARE, 3RD FLOOR
NEW YORK, NEW YORK 10004

Pursuant to 22 NYCRR 130.1-l-a, the undersigned, an attorney
admitted to practice in the courts of New York State, certifies that,
upon information and belief and reasonable inquiry, (1) the
contentions contained in the annexed document are not frivolous
and that (2) if the annexed document is an initiating pleading, (i)
the matter was not obtained through illegal conduct, or that if it
was, the attorney or other persons responsible for the illegal
conduct are not participating in the matter or sharing in any fee
earned therefrom and that (ii) if the matter involves potential
claims for personal injury or wrongful death, the matter was not
obtained in violation of 22 NYCRR 1200.4-l-a.

Dated: _____

Print signer's name

GERINGER & DOLAN LLP

Attorneys for

5 HANOVER SQUARE, 3RD FLOOR
NEW YORK, NEW YORK 10004

To
Attorney(s) for

INDEXED

FILED

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ANSWER TO CROSS-CLAIMS

GERINGER & DOLAN LLP

Attorneys for Defendant - Otis

5 HANOVER SQUARE, 3RD FLOOR
NEW YORK, NEW YORK 10004
(212) 682-7050
FAX (212) 867-5987

To

Attorney(s) for

Service of a copy of the within

Dated,

is hereby admitted.

Attorney(s) for